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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/718,813   | 11/24/2003  | Eliezer Krausz       | P-5393-US           | 3466             |
| 49443  | 7590        | 05/30/2006           | EXAMINER            |                  |
| PEARL COHEN ZEDEK, LLP<br>1500 BROADWAY 12TH FLOOR<br>NEW YORK, NY 10036 |             |                      | BOCHNA, DAVID       |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3679                |                  |

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/718,813

Applicant(s)

KRAUSZ ET AL.

Examiner

David E. Bochna

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3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris.

In regard to claim 1, Morris discloses in a pipe clamp 10 for pipe repair, and a flexible inner sleeve disposed inside the clamping band, the flexible inner sleeve carries an array of depressions 22 over most of its inner face, the improvement being the provision of a reinforcing material 23a bonded to the flexible inner sleeve 18 or embedded therein to inhibit axial expansion thereof when the inner sleeve is under compression between the at least one of the pipes and the clamping band, wherein the flexible inner sleeve is provided with flexible sealing lips protruding from the inner face 22 (square waffle protrusions created by indentations 22, see col. 2, lines 62-66) integral to the flexible inner sleeve on its inner face to contact at least one of the pipes, the inner lips are made to form circumferential sealing rings around at least one of the pipes (the circumferential ribs of the waffle shaped protrusions form a circumferential seal ring).

In regard to claim 2, the textile reinforcing material is an aramide fiber (see col. 3, lines 30-35).

In regard to claim 3, the reinforcing material is embedded within the sleeve (see col. 3, lines 55-56).

In regard to claim 4, the reinforcing material is bonded within the sleeve (see col. 3, lines 10-11).

In regard to claim 7, the flexible inner sleeve comprises a flat mat having a first end and a second end, the first end being attached to the band 23 and a second end being free to overlap the inner surface of the mat retained in a cylindrical configuration when disposed inside the band (see fig. 2).

In regard to claim 8, the ends of the flexible inner sleeve are tapered 32 in a peripheral direction.

3. Claims 1, 3-4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt.

In regard to claim 1, Schmidt discloses in a pipe clamp 6, the improvement being the provision of a reinforcing material 13a (fig. 13) bonded to the flexible inner sleeve 13b (see col. 5, lines 45-48) the flexible inner sleeve carries an array of depressions (spaces between protrusions 20) over its inner face or embedded therein (see fig. 16) to inhibit axial expansion thereof when the inner sleeve is under compression between the pipes and the clamping band, wherein the flexible inner sleeve is provided with flexible sealing lips (20 in fig. 13 or 23 in fig. 16) integral to the flexible inner sleeve on its inner face to contact at least one of the pipes 1 ("to contact..." is an intended use limitation with little patentable weight), the inner lips 20 are made to form circumferential sealing rings around the at least one of the pipes (see fig. 12 where lips 20 extend around the entire circumference of the 13b).

In regard to claim 3, the reinforcing material is embedded within the sleeve (see col. 6, lines 1-2).

In regard to claim 4, the reinforcing material is bonded within the sleeve (see fig. 13 and col. 4, lines 54-56 and col. 5, lines 45-48).

In regard to claim 8, the ends of the flexible inner sleeve are tapered 18 in a peripheral direction.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt. Schmidt discloses that there is a reinforcing material (fiberglass), but does not disclose that the reinforcing material is an aramide fiber. However, it would have been obvious to replace the fiberglass with an aramide fiber because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

***Response to Arguments***

6. Applicant's arguments filed 3/7/06 have been fully considered but they are not persuasive. Applicant argues that Morris fails to disclose a reinforcing material that inhibits circumferential expansion. The Examiner disagrees. Morris discloses that fibers 23a supply a tensile component, the tensile component would resist axial expansion of the sleeve. Additionally, "to inhibit..." is an intended use limitation which carries little patentable weight. As long as the applied prior art discloses all of the recited structural limitations of the claimed

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invention, the prior art is deemed to anticipate the claim. Here, Morris disclose fibers 23a, which supply a tensile component, that would, even to some small degree, inhibit axial expansion of the sleeve.

Morris does disclose sealing lips protruding from the inner face and integral to the sleeve. The lips are the waffle pattern protruding form inner face 22, and the circumferential running lines of the waffle pattern form the circumferential sealing rings.

In regard to Schmidt, fig. 13 discloses a reinforcing material 13b coaxial with the pipe clamp 4 associated with said flexible inner sleeve 13a to inhibit axial expansion (raised end portions 22 of 13b would stop axial expansion of 13a when it is compressed between 4 and 1) of the inner sleeve 13a between the pipes 1 and clamping band 4.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

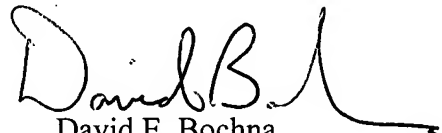
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David E. Bochna  
Primary Examiner  
Art Unit 3679